

## THE TILTON-BEECHER TRIAL.

PROGRESS OF MR. BEACH'S ARGUMENT.  
TESTIMONY OF MR. WEST AND THE WEST CHARGES  
GONE OVER—ALLEGED EVIDENCE OF MR.  
BEECHER'S EFFORTS TO SUPPRESS THE SCAN-  
DAL—THE ACCUSATIONS OF BLACKMAIL AND  
ALLEGED CONSPIRACY AGAINST MR. BEECHER  
DECLARED TO BE IMPOSSIBLE ON ACCOUNT OF  
LACK OF MOTIVES—IMPORTANCE OF MRS. TIL-  
TON'S ALLEGED CONFession—MR. BEECHER'S  
DENIAL OF GUILT ASSISTED TO BE UNSUP-  
PORTED—THE CONFRONTING TESTIMONY OF  
THREE WITNESSES AND OF CIRCUMSTANTIAL  
EVIDENCE.

In the suit of Theodore Tilton against Henry Ward Beecher yesterday Mr. Beach continued his summing up for the plaintiff. The counsel described and compared the actions of plaintiff and defendant toward the publication of the scandal, and argued against the theories of conspiracy and blackmail alleged by the defendant. On the bench beside Judge Neilson sat Prof. William C. Wilkinson of Rochester, ex-Judge Gale, Col. B. E. Valentine, the Hon. Charles W. Thomas, Kinahan Cornwalls, the Rev. Dr. Kennedy of Bloomfield, N.J., and Alvin C. Bradley. Among the audience were the Hon. R. H. Huntley, the Rev. Mr. Howard of the Church of the Atonement of this city, the Hon. William E. Robinson, Barney Williams, the comedian, the Hon. Dawson Woodruff of Newton, N.J., Henry W. Wheeler, William H. Buckus of *The Boston Advertiser*, Richard B. Hill and wife, William L. Bradley, Surgeon Robert C. Hutchings, Henry Stone, John Swinton and others.

### PASSAGES OF THE SUMMING UP.

Mr. Beach, in opening his argument for the day, briefly recalled to the jury the evidence of Mr. West as evincing the uneasiness and disturbances in Plymouth Church during 1871, 1872, 1873, and 1874, which it was claimed greatly annoyed and excited the fears of Mr. Beecher. He then glanced at the history of the West charges, and showed their connection with the case.

Mr. Beecher's action in the matter of the Congregational Council, the speaker argued, was only an instance of his whole course of action in endeavoring to suppress all investigation into the subject of his relations with the family of Theodore Tilton.

The counsel next read various portions of the testimony of the case, as showing the circumstances which called forth the Bacon letter. He also read the history of the Investigating Committee, claiming that Mr. Tilton was not responsible for its creation, and that Tilton and Moulton, in partial conjunction with Mr. Beecher, labored to control the Committee's deliberations and prevent it from uncovering the scandal to the public gaze.

Mr. Tilton's letter to Bowen and the Tripartite Covenant were then touched upon, after which the speaker recurred to the subject of the Investigating Committee of Plymouth Church, who, he said, were "organized to acquit Beecher and convict Tilton." He thought that, considering the means of inquiry which they adopted, it was "not surprising that their report should have received the scorn and derision of the world."

Mr. Beach then addressed the Court, citing numerous cases, mainly from the English Ecclesiastical reports, on one of the legal aspects of the case.

He claimed that Mrs. Tilton's "confession," acquired in by Mr. Beecher, was sufficient of itself, in a case of this character, to justify a verdict. The speaker further said that the issue of the case was an action by a husband alleging himself to have been wronged in his closest relations, against the alleged wrong-doer. They did not ask for damages, as "Tilson disowns the idea of touching the gold of Henry Ward Beecher."

The charge of conspiracy was next referred to by Mr. Beach. The very first step in the alleged conspiracy, he said, brought them to the figure of Mrs. Tilton, whom they believed her "white as the snow though fallen like the snow"—no master who they thought of her—how could they imagine her with her devotions conspiring against her lover? Theodore Tilton's condition at the time of the beginning of the alleged conspiracy was referred to, and Mr. Beach scouted the notion of his conspiring without any motive. Mr. and Mrs. Moulton's alleged absence of motive was also commented on. The speaker then went on to argue the impossibility of the creation of so vile a conspiracy where no motive could be shown on the part of the participants.

The theory of blackmail was then discussed, Mr. Beach arguing that all the evidence and probabilities were against such a hypothesis. He referred to Mr. Beecher's testimony as showing that he had not entertained the theory until persuaded by his counsel, "and" continued the speaker, "I wish he had done nothing worse under their advice."

In taking up the suggestion of defendant's counsel to the effect that Mr. Tilton was envious of Mr. Beecher's fame, and wished to rise above its ruin, Beach said that Mr. Beecher was no obstruction to Mr. Tilton's path of fame. As far as recurring to the conspiracy, he claimed that that idea had been exploded by Mr. Beecher him-self. The vital question of the case was whether Mr. Beecher's sole denial, unsupported by other proof, should be deemed sufficient to overcome the testimony of three witnesses, and the accumulated force of such circumstances as had been shown, and against which the character of a saint would be no protection.

The alleged confession of Mrs. Tilton to her husband was then touched upon and its importance in the case noted. The letter of retraction was also spoken of. Mr. Beach claiming that it was written at Mr. Beecher's dictation, while at the time of the alleged confession Mrs. Tilton was not under her husband's coercion.

### THE PROCEEDINGS—VERBATIM.

MR. BEACH'S ARGUMENT CONTINUED.  
The court met at 11 a.m. pursuant to adjournment.

Mr. Beach—I purpose, gentlemen, to reproduce to you the evidence of Mr. West in regard to the uneasiness and disturbance which, through the years 1871–2–3 & '4 in Plymouth Church, greatly annoyed, excited the fears, and exasperated Mr. Beecher. It is impudently wearying to me to do it, and it must be tedious to you, and I am fearful if I pursue that line of argument it will result in an uncomfortable protraction of the argument I am bound to submit to you, and I therefore omit it. You will recall at once to your minds the circumstances detailed by Mr. West, how persistently he pursued the cause of presenting charges against Mr. Tilton for slander of his pastor, and how vigorously and indignantly Mr. Beecher endeavored to influence Mr. West to their suppression, and I pass therefore that particular crisis which was supposed to have exerted an influence upon the mind of Mr. Beecher to accomplish the specified purposes of this alleged conspiracy. Certainly Mr. Tilton, nor any friend of his, was not at all responsible for the agitation of that topic in Plymouth Church, and that could not have been one of the means resorted to by him for the purpose of furthering any attributed purpose of influencing Mr. Beecher.

### THE COUNCIL.

Then followed the council of the churches, which you will remember, and with that Mr. Tilton had no possible connection. You remember that Mr. Beecher very earnestly requested Mr. Tilton not to mingle with the proceedings of that council, or by any appearance of his before that tribunal to complicate the difficulties in which Mr. Beecher and the Plymouth Church, that is, the judiciary, were involved. But there is a very remarkable letter upon that subject written by Mr. Beecher to Moulton, to which a moment's attention may not be uninteresting. It was written as late as March 25, 1874, indeed: "Confidential: To

referring to Mr. Tilton and himself.) That is his game, and the object of his letter, to make him believe that he can do more to help him than any man better than he, has. I am loath to hope that Theodore, who has borne so much, will be unwilling to be a flat in Stern's hand to strike at a friend. There are one or two reasons, I suppose, why this may be the case. There is one, I think, giving those reasons, he proceeds to say:

At any rate, while the fury rages in council, it is not wise to make any move that would be onz among so many, so as to lose effect in a degree, and after the battle is over one can more exactly see what ought to be done. I mention this *in partem*, as I know not, to be perfectly sure, if there is any *in partem* to be had, but perfectly sure, if there is any *in partem* to be had, there will be a funeral. Certainly and tragically yours, H. W. B. [REDACTED]

Now, consider under first impressions what the effect of such a speech will be. *Haste to draw stores.*

Now, that letter buries us, you, gentlemen, the state of mind under which Mr. Beecher was laboring with reference to his difficulties with Mr. Tilton, as late as 1874. It shows you the sort of appeal which he made to the consideration and charity of Mr. Tilton, not to permit himself to be used by a supposed adversary in the person of Mr. Stores, as a flat with which to attack Mr. Beecher. Now, review the attitude of Mr. Beecher as represented by himself upon the stand, toward Mr. Tilton and toward this case and Mrs. Tilton. What was the apprehension weighing upon the mind of Mr. Beecher? Why did he deprecate the appearance of Theodore Tilton before the Council, deeming himself against a wrong imputation? For I will show you by-and-by what it was. Why should Mr. Beecher have been anxious to prevent the presentation by Mr. Tilton of a just vindication against an attack by Mr. Stores, as Mr. Beecher represents, detrimental to the character and honor of Mr. Tilton? What was there in all? Mr. Beecher's connection with this affair which should lead him to dread the outspoken and manly defense and revelation which Mr. Tilton might have made upon the occasion of his appearance before the Council? Now, these are suggestive inquiries, and they will become more significant and important as you trace along through the evidence those other indications of the anxiety and trepidation of Mr. Beecher, and the efforts he was constantly making to suppress not only the West charges, involving this very accusation against him, but every other movement and action which, by any possibility, could lead to an investigation of his relations toward the family of Mr. Tilton.

Now, of this Council, of all its proceedings, of every effort to turn it into the means of an accusation against Mr. Beecher, Mr. Tilton is entirely innocent. Letting to this appeal of Mr. Beecher, and willing to submit to it, before precipitating any examination that would lead to unfortunate revelations, he submits to the imputation made by Mr. Stores upon his malice and honor, and his speech before the Council. Well, gentlemen, I have spoken to you in regard to the Bacon letter, and I must read to you a few words of the evidence for the purpose of more fully explaining the origin and purpose of that letter. It is contained in the cross-examination of Mr. Tilton by Mr. Evans.

Q. Now, did you regard your letter to Dr. Bacon as doing an imputation against the honor of your wife and your children? A. I did not. Sir, on the contrary, I took particular pains in framing my letter to him, to make it as complete and comprehensive as possible, that every reader of it might be able to judge her vindication, and mine also, and I think that letter, while vindicating myself, should also vindicate her.

Q. You did not then consider that letter, as you say, as doing an imputation against the honor of your wife and your children? A. I did not. Sir, on the contrary, I took particular pains in framing my letter to him, to make it as complete and comprehensive as possible, that every reader of it might be able to judge her vindication, and mine also, and I think that letter, while vindicating myself, should also vindicate her.

Q. Well, that is your view of it. As I understand you, you considered that letter was your own vindication? A. Yes, Sir.

Q. Against the imputations that had been thrown upon you, in the various ways that you have suggested? A. Yes, Sir.

Q. Did you regard Mr. Beecher as in any way responsible for this Council, that had been got up against his wife and your children? A. I did not. Sir, on the contrary, I took particular pains in framing my letter to him, to make it as complete and comprehensive as possible, that every reader of it might be able to judge her vindication, and mine also, and I think that letter, while vindicating myself, should also vindicate her.

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